

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JARID L. CUBBAGE,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 05-798-GMS
	:	
THOMAS CARROLL, Warden,	:	
CARL C. DANBERG,	:	
Attorney General of the State of Delaware,	:	
	:	
Respondents.	:	

**MOTION FOR EXTENSION OF TIME TO FILE
CERTIFIED STATE COURT RECORDS**

1. The petitioner, Jarid L. Cubbage, has applied for federal habeas relief challenging a conviction following a jury trial in the Delaware Superior Court of first degree robbery and related charges. (D.I. 2). Cubbage was sentenced to eight years in prison followed by decreasing levels of probation. The conviction and sentence were affirmed on direct appeal. *Cubbage v. State*, No. 5, 2003, 2003 WL 21488129 (Del. June 25, 2003). The Superior Court denied Cubbage's ensuing motion for post-conviction relief, and that decision was affirmed on appeal. *Cubbage v. State*, No. 168, 2005, 2005 WL 2319114 (Del. Sept. 20, 2005). The respondents filed today an answer to Cubbage's petition for a writ of habeas corpus.

2. By the terms of the Court's order, the respondents are directed to attach to the answer certified copies of the state court records material to the questions raised in the petition.

3. The respondents have been unable to obtain, copy and have certified state supreme court records from Dover in order to file them contemporaneously with the answer. The undersigned anticipates obtaining, having certified, and copying the records early next and intends on filing them immediately upon receipt. But lest scheduling foulups occur, the undersigned requests two weeks, or until June 2, 2006 to copy, have certified and transport the records for filing with the Court in this case.

4. Respondents thus submit that an extension of time to and including June 2, 2006 in which to file certified copies of the material portions of the state court records in this case is reasonable. Respondents submit herewith a proposed order.

/s/Thomas E. Brown
Deputy Attorney General
Department of Justice
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Wilmington, DE 19801
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Del. Bar ID# 3278
e-mail: *ThomasE.Brown@state.de.us*

Date: May 19, 2006

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JARID L. CUBBAGE,

Petitioner,

v.

Civ. Act. No. 05-798-GMS

THOMAS CARROLL, Warden,

CARL C. DANBERG,

Attorney General of the State of Delaware,

Respondents.

ORDER

This _____ day of _____, 2006,

WHEREAS, having requested an extension of time in which to file certified portions of the state court records, and

WHEREAS, it appearing to the Court that the requested extension is timely and good cause has been shown for the extension,

IT IS HEREBY ORDERED that shall file certified portions of the state court records on or before June 2, 2006.

United States District Judge

CERTIFICATE

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is incarcerated and appearing *pro se*, to the subject matter of this motion.

/s/ Thomas E. Brown
Deputy Attorney General
Del. Dept. of Justice

Counsel for Respondents

Date: May 19, 2006

CERTIFICATE OF SERVICE

The undersigned, being a member of the Bar of this Court, hereby certifies that on May 19, 2006 he caused to be electronically filed the attached document (motion for extension of time to file state court records) with the Clerk of the Court using CM/ECF. I hereby certify that on May 19, 2006 I have also caused to be mailed by first class U.S. Mail two copies of the document to the following non-registered participant, the petitioner:

Jarid L. Cubbage (No. 00271683)
Delaware Correctional Center
1181 Paddock Road
Smyrna, De 19977.

/s/ Thomas E. Brown
Deputy Attorney General
Del. Dept. of Justice

Counsel for Respondents

Date: May 19, 2006